



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Eastman Kodak Company

File: B-259536.2

Date: January 20, 1995

DECISION

Eastman Kodak Company requests that our Office declare it entitled to recover the reasonable costs of filing and pursuing its protest.

We deny the request.

On November 30, 1994, Eastman Kodak protested the specifications in request for quotations (RFQ) No. 95-SPU-06 issued by the Environmental Protection Agency. In December 1994, the EPA canceled the RFQ and on December 28, 1994, we dismissed the protest as academic.

The protester now requests that we find it entitled to recover the costs of filing and pursuing its protest. Our Bid Protest Regulations, 4 C.F.R. § 21.6 (1994), provide that where an agency decides to take corrective action in response to a protest, we may declare the protester entitled to recover reasonable protest costs, including attorneys' fees. Section 21.6, however, does not envision the award of costs in every circumstance; rather, it was adopted to encourage agencies to take corrective action in a reasonably prompt fashion. Thus, we will find entitlement only where the agency unduly delayed taking corrective action. See Diez Mgmt. Sys., Inc.--Entitlement to Costs, B-250831.3, Apr. 13, 1993, 93-1 CPD ¶ 313.

In this case, the corrective action was taken less than 1 month after Eastman Kodak filed its protest in our Office. Such a delay does not warrant a finding of entitlement to costs as it is the type of prompt reaction that our Regulations are designed to encourage. Oklahoma Indian Corp.--Claim for Costs, 70 Comp. Gen. 558 (1991), 91-1 CPD ¶ 558; see also Ferguson-Williams, Inc.--Entitlement to Costs, B-252947.5, Sept. 15, 1993, 93-2 CPD ¶ 166.

Therefore, Eastman Kodak's request is denied.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger
Associate General Counsel